

DAE

1744

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael D. Cecchi et al

Docket No.: H-1351

Serial No.: 10/053,944

Group: 1744

Filed: January 24, 2002

Examiner: D. Redding

For: "Biological Specimen Culturing System and Method With Onboard Specimen Development Sensors"

PETITION UNDER 37 CFR 1.181 TO WITHDRAW A HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JUN 15 2004
TC 1700

Dear Sir:

This is a petition to withdraw the holding of abandonment of the above-identified application which holding is dated May 3, 2004.

FACTS:

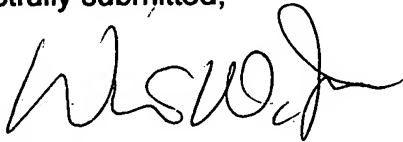
- 1) On May 3, 2004, a Notice of Abandonment of the above-identified application was mailed to the undersigned. A copy of that notice is enclosed herewith. The grounds for alleging abandonment of the subject patent application is a failure by applicants to timely file a proper reply to an Office letter mailed to the undersigned on October 14, 2003.
- 2) The undersigned never received any correspondence from the Office bearing an October 14, 2003 mailing date. A declaration from the undersigned attesting to that fact is enclosed herewith.
- 3) Other than the notice of Abandonment, the only other papers received from the Office relating to the captioned patent application are: a) a filing receipt (copy enclosed); b) a notice of publication of the application (copy enclosed); and a notice of recordation of the assignment of the application (copy enclosed). None of the aforesaid three documents are dated October 14, 2003, and none of them require any response from applicants.

REMARKS

The failure to respond to a letter from the Office which was dated October 14, 2003 relating to the above-identified application was unavoidable due to the fact that the undersigned never received the letter in question.

In view of the above, Applicants respectfully request that this petition be granted and that the holding of abandonment be withdrawn, so that prosecution of this application can proceed without undue delay. It is not believed that any fees are due in connection with this petition.

Respectfully submitted,



William W. Jones
Attorney for Applicant
Reg. No. 24,607
6 Juniper Lane
Madison, CT 06443
(203) 245-2418

Date: 5-7-04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael D. Cecchi et al

Docket No.: H-1351

Serial No.: 10/053,944

Group: 1744

Filed: January 24, 2002

Examiner: D. Redding

For: "Biological Specimen Culturing System and Method With Onboard Specimen Development Sensors"

DECLARATION OF ATTORNEY OF RECORD

I, William W. Jones declare that I am the attorney of record named in the above-identified application for U.S. Letters Patent.

1. I have received a Notice of Abandonment relating to the above-identified patent application, which Notice of Abandonment was dated May 3, 2004.
2. The Notice of Abandonment alleges grounds for abandonment of the subject application which is based on a failure by applicants to timely respond to an Office letter which was dated October 14, 2003 and which was allegedly mailed to the undersigned at that time.
3. I never received any letter dated October 14, 2003 from the Office relating to the subject application.
4. I have enclosed copies of each and every correspondence from the Office that I have received which relate to this patent application, and I declare that the enclosed correspondence are the only correspondence that I have received from the Office dealing with this patent application.

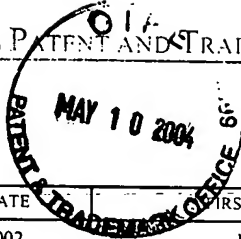
All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

William W. Jones, Reg. No. 24,607

Date: 5-7-04



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,944	01/24/2002	Michael D. Cecchi	H-1351A	5949

7590
William W. Jones
6 Juniper Lane
Madison, CT 06443

05/03/2004

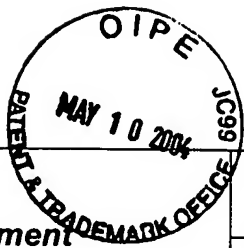
EXAMINER	
REDDING, DAVID A	
ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1-571-272-1276
1281

RECEIVED
JUN 15 2004
TC 1700



Notice of Abandonment

Application No.

10/053,944

Examiner

David A Redding

Applicant(s)

CECCHI ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10/14/2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

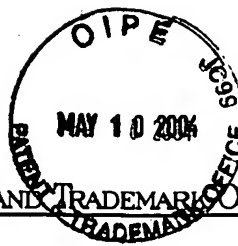
DAVID A. REDDING
PRIMARY EXAMINER
GROUP 1300

David Redding

4/29/2004

RECEIVED
JUN 15 2004
TC 1700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/053,944	01/24/2002	1632	370		4	10	3

CONFIRMATION NO. 5949

FILING RECEIPT



William W. Jones
6 Juniper Lane
Madison, CT 06443

Date Mailed: 02/21/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Michael D. Cecchi, Madison, CT;
Monica Mezezi, Guelph, CANADA;

Assignment For Published Patent Application

Genx International, Inc.;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 02/20/2002

Projected Publication Date: 07/24/2003

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Biological specimen-culturing system and method with onboard specimen development sensors

Preliminary Class

RECEIVED
JUN 15 2004
TC 1700

435

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).